

# In the United States Court of Federal Claims

## OFFICE OF SPECIAL MASTERS

No. 20-0430V

UNPUBLISHED

JACALYN BROZE,

Petitioner,

v.

SECRETARY OF HEALTH AND  
HUMAN SERVICES,

Respondent.

Chief Special Master Corcoran

Filed: November 15, 2021

Special Processing Unit (SPU);  
Ruling on Entitlement; Concession;  
Table Injury; Influenza (Flu) Vaccine;  
Shoulder Injury Related to Vaccine  
Administration (SIRVA)

*Ronald Craig Homer, Conway, Homer, P.C., Boston, MA, for Petitioner.*

*Mark Kim Hellie, U.S. Department of Justice, Washington, DC, for Respondent.*

### **RULING ON ENTITLEMENT**<sup>1</sup>

On April 14, 2020, Jacalyn Broze filed a petition for compensation under the National Vaccine Injury Compensation Program, 42 U.S.C. §300aa-10, *et seq.*<sup>2</sup> (the “Vaccine Act”). Petitioner alleges that she suffered a shoulder injury related to vaccine administration due to an influenza vaccine she received on October 23, 2017. Petition at ¶¶2. Petitioner further alleges that the effects of her injury continued for more than six months and that she has not received any award or settlement related to her injury. Petition at ¶¶ 21-22. The case was assigned to the Special Processing Unit of the Office of Special Masters.

On November 12, 2021, Respondent filed his Rule 4(c) report in which he states that he does not contest that Petitioner is entitled to compensation in this case.

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<sup>1</sup> Because this unpublished Ruling contains a reasoned explanation for the action in this case, I am required to post it on the United States Court of Federal Claims' website in accordance with the E-Government Act of 2002. 44 U.S.C. § 3501 note (2012) (Federal Management and Promotion of Electronic Government Services). **This means the Ruling will be available to anyone with access to the internet.** In accordance with Vaccine Rule 18(b), Petitioner has 14 days to identify and move to redact medical or other information, the disclosure of which would constitute an unwarranted invasion of privacy. If, upon review, I agree that the identified material fits within this definition, I will redact such material from public access.

<sup>2</sup> National Childhood Vaccine Injury Act of 1986, Pub. L. No. 99-660, 100 Stat. 3755. Hereinafter, for ease of citation, all section references to the Vaccine Act will be to the pertinent subparagraph of 42 U.S.C. § 300aa (2012).

Respondent's Rule 4(c) Report at 1. Specifically, Respondent states that "Petitioner did not have a history of shoulder pain. Petitioner's right shoulder pain began within 48 hours and was limited to the vaccinated shoulder. Petitioner did not have any other condition or abnormality that would explain her right shoulder pain. Therefore, Petitioner has satisfied the requirements contained in the Table for SIRVA." *Id.* at 5. Respondent further agrees that Petitioner received the vaccine in the United States, suffered the residual effects of the injury for more than six months, and has not filed a civil action or received an award or settlement for her vaccine injury. *Id.*

**In view of Respondent's position and the evidence of record, I find that Petitioner is entitled to compensation.**

**IT IS SO ORDERED.**

**s/Brian H. Corcoran**

Brian H. Corcoran  
Chief Special Master